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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/088,723	COUET ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rose M Miller	2856	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/26/04.
  2. ☒ The allowed claim(s) is/are 1,3-15,20-22,26-33 and 35-37.
  3. ☒ The drawings filed on 01 June 2004 are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 03 December 2004, William B. Batzer requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 19-0615 the required fee of \$110 for this extension and authorized the following examiner's amendment. Mr. Batzer also authorized the Director to charge Deposit Account No. 19-0615 for the required fee of \$88 for one independent claim in excess of three. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

Please amend claim 20 as follows:

20. (currently amended) A monitoring apparatus located above ground level comprising:

a monitor to measure characteristics of fluids, the monitor having a monitoring surface that is directly exposed to the fluids;

a deposit removal system including an acoustic device adapted to exert for exerting a physical force on the monitoring surface to at least partially remove deposition from the monitoring surface, the deposit removal system being in a control loop with said monitor; and

a power supply for supplying said acoustic device with electrical energy, wherein the monitor further uses said acoustic device, said acoustic device to be operated operates in a resonance mode, and wherein the monitor measures deposition of the material on the monitoring surface ~~is measured by measuring a change in resonance frequency of the acoustic device and wherein the acoustic device operates in a longitudinal mode.~~

Art Unit: 2856

26. (currently amended) ~~The apparatus of claim 20,~~ A monitoring apparatus located above ground level comprising:

a monitor to measure characteristics of fluids, the monitor having a monitoring surface that is directly exposed to the fluids;

a deposit removal system including an acoustic device for exerting a physical force on the monitoring surface to at least partially remove deposition from the monitoring surface, the deposit removal system being in a control loop with said monitor; and

a power supply for supplying said acoustic device with electrical energy, wherein the monitor is selected from a group comprising optical sensors, electro-chemical sensors, nuclear sensors, separation membranes, or acoustic sensors separate from the force exerting acoustic device.

In claim 27 line 1, change "20" to --26--.

In claim 29 line 1, change "20" to --26--.

In claim 30 line 2, change "and" to --an--.

In claim 31 line 1, change "20" to --26--.

In claim 33 line 1, change "20" to --26--.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rose M Miller whose telephone number is 571-272-2199. The examiner can normally be reached on Monday - Thursday, 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RMM

4 December 2004



HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
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